

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

## COMBINED DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO.

0425-0867P

PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING:

Insert Title:

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Condensed imidazole compounds and a therapeutic agent for  
diabetes mellitus

Fill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

the specification of which is attached hereto. If not attached hereto,

the specification was filed on \_\_\_\_\_ as  
United States Application Number \_\_\_\_\_; and /or

the specification was filed on June 30, 2000 as PCT  
International Application Number PCT/JP00/04358; and was  
amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority  
Information:  
(if appropriate)

Prior Foreign Application(s)

11-188484

Japan

Jul. 2, 1999

Priority Claimed

☒ Yes ☐ No

(Number)

(Country)

(Month/Day/Year Filed)

2000-143495

Japan

May 16, 2000

☒ Yes ☐ No

(Number)

(Country)

(Month/Day/Year Filed)

2000-182786

Japan

Jun. 19, 2000

☒ Yes ☐ No

(Number)

(Country)

(Month/Day/Year Filed)

(Number)

(Country)

(Month/Day/Year Filed)

☐ Yes ☐ No

(Number)

(Country)

(Month/Day/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Insert Provisional  
Application(s):  
(if any)

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More Than 12 Months (6 Months for Designs) Prior To The Filing Date of This Application:

Insert Requested  
Information:  
(if appropriate)

Country

Application No.

Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Insert Prior U.S.  
Application(s):  
(if any)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

16

Terrell C. Birch (Reg. No. 19,382)  
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COMPLETE THE  
FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10015533 in 122001

Full Name of First or Sole Inventor:  
Insert Name of Inventor  
Insert Date This Document is Signed

Insert Residence  
Insert Citizenship

Insert Post Office Address

Full Name of Second Inventor, if any:

see above

Full Name of Third Inventor, if any

see above

Full Name of Fourth Inventor, if any

see above

Full Name of Fifth Inventor, if any

see above

GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Osamu	ASANO	<i>Osamu Asano</i>	Nov. 21, 2001
Residence (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
3-69-21, Kashiwada, Ushiku-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Hitoshi	HARADA	<i>Hitoshi Harada</i>	Nov. 21, 2001
Residence (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
2-24-27, Kamikashiwada, Ushiku-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Seiji	YOSHIKAWA	<i>Seiji Yoshikawa</i>	Nov. 21, 2001
Residence (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
Tsukubanedainiryo 407, 9-7, Inarimae, Tsukuba-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Nobuhisa	WATANABE	<i>Nobuhisa Watanabe</i>	Nov. 21, 2001
Residence (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
Kohpo Shima A205, 1888-4, Ooaza Dai, Tsukuba-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Takashi	INOUE	<i>Takashi Inoue</i>	Nov. 21, 2001
Residence (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
Shato Higashi 201, 2-2-1, Higashi, Tsukuba-shi, Ibaraki, Japan			

Full Name of <u>Sixth</u> Inventor: Insert Name of Inventor Insert Date This Document is Signed Insert Residence Insert Citizenship	GIVEN NAME FAMILY NAME <u>Tatsuo HORIZOE</u>		INVENTOR'S SIGNATURE <u>Tatsuo Horizoe</u>	*DATE Nov.21,2001
Insert Post Office Address	RESIDENCE (City, State & Country) <u>Ibaraki, Japan JPX</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 1-14-1-503, Inodai, Toride-shi, Ibaraki, Japan			
Full Name of <u>Seventh</u> Inventor, if any: see above	GIVEN NAME FAMILY NAME <u>Nobuyuki YASUDA</u>		INVENTOR'S SIGNATURE <u>Nobuyuki Yasuda</u>	*DATE Nov.21,2001
	RESIDENCE (City, State & Country) <u>Ibaraki, Japan JPX</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 16-26, Ohtemachi, Tsuchiura-shi, Ibaraki, Japan			
Full Name of <u>Eighth</u> Inventor, if any: see above	GIVEN NAME FAMILY NAME <u>Kaya OHASHI</u>		INVENTOR'S SIGNATURE <u>Kaya Ohashi</u>	*DATE Nov.21,2001
	RESIDENCE (City, State & Country) <u>Ibaraki, Japan JPX</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) Ruminasu Kannondainibankan 502, 1-35-19, Kannondai, Tsukuba-shi, Ibaraki, Japan			
Full Name of <u>Ninth</u> Inventor, if any: see above	GIVEN NAME FAMILY NAME <u>Hiroe MINAMI</u>		INVENTOR'S SIGNATURE <u>Hiroe Minami</u>	*DATE Nov.21,2001
	RESIDENCE (City, State & Country) <u>Ibaraki, Japan JPX</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) Tsukubanedainiryo 506, 9-7, Inarimae, Tsukuba-shi, Ibaraki, Japan			
Full Name of <u>Tenth</u> Inventor, if any: see above	GIVEN NAME FAMILY NAME <u>Junsaku NAGAOKA</u>		INVENTOR'S SIGNATURE <u>Junsaku Nagaoka</u>	*DATE Nov.21,2001
	RESIDENCE (City, State & Country) <u>Ibaraki, Japan JPX</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 1803-1, Konda, Tsukuba-shi, Ibaraki, Japan			
Full Name of <u>Eleventh</u> Inventor, if any: see above	GIVEN NAME FAMILY NAME <u>Manabu MURAKAMI</u>		INVENTOR'S SIGNATURE <u>Manabu Murakami</u>	*DATE Nov.21,2001
	RESIDENCE (City, State & Country) <u>Ibaraki, Japan JPX</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 1-6-8, Tokodai, Tsukuba-shi, Ibaraki, Japan			
Full Name of <u>Twelfth</u> Inventor, if any: see above	GIVEN NAME FAMILY NAME <u>Seiichi KOBAYASHI</u>		INVENTOR'S SIGNATURE <u>Seiichi Kobayashi</u>	*DATE Nov. 8,2001
	RESIDENCE (City, State & Country) <u>Massachusetts, U.S.A. MA</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 165, Oakley Road, Belmont, MA 02478, U.S.A.			
Full Name of <u>Thirteenth</u> Inventor, if any: see above	GIVEN NAME FAMILY NAME <u>Isao TANAKA</u>		INVENTOR'S SIGNATURE <u>Isao Tanaka</u>	*DATE Nov.21,2001
	RESIDENCE (City, State & Country) <u>Ibaraki, Japan JPX</u>		CITIZENSHIP Japanese	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 2-5-16, Ninomiya, Tsukuba-shi, Ibaraki, Japan			

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signed.

Full Name of Fourteenth

Inventor:  
Insert Name of Inventor  
Insert Date This  
Document Is Signed

Insert Residence  
Insert Citizenship

Insert Post Office  
Address

Full Name of Fifteenth

Inventor, if any:

see above

Full Name of Sixteenth

Inventor, if any:

see above

Full Name of Seventeenth

Inventor, if any:

see above

Full Name of Eighteenth

Inventor, if any:

see above

Full Name of Nineteenth

Inventor, if any:

see above

Full Name of Twentieth

Inventor, if any:

see above

Full Name of Twenty first

Inventor, if any:

see above

GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Tsutomu KAWATA		Tsutomu Kawata	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
2-16-19, Kidamarihigashidai, Tsuchiura-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Naoyuki SHIMOMURA		Naoyuki Shimomura	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
3-32-6, Sakuradai, Ushiku-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Hiroshi AKAMATSU		Hiroshi Akamatsu	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
Ra terasu Azuma B-1, 4-14-3, Tsukuba-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Naoki OZEKI		Naoki Ozeke	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
4331, Ooaza Kyuutyuu, Kshiana-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Toshikazu SHIMIZU		Toshikazu Shimizu	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
2-9-19, Matsushiro, Tsukuba-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Kenji HAYASHI		Kenji Hayashi	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
4-6-33, Matsushiro, Tsukuba-shi, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Toyokazu HAGA		Toyokazu Haga	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
Conoikeonkaryo 526, 6-16-27, Shittechuo, Kamisumachi, Kashima-gun, Ibaraki, Japan			
GIVEN NAME	FAMILY NAME	INVENTOR'S SIGNATURE	*DATE
Shigeto NEGI		Shigeto Negi	Nov.21,2001
RESIDENCE (City, State & Country)		CITIZENSHIP	
Ibaraki, Japan JPX		Japanese	
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)			
2-8-15, Higashi, Tsukuba-shi, Ibaraki, Japan			

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— date this document is  
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22.00

Full Name of Twenty second  
Inventor:  
Insert Name of Inventor  
Insert Date This  
Document Is Signed  
Insert Residence  
Insert Citizenship

GIVEN NAME Toshihiko NAITO		FAMILY NAME NAITO		INVENTOR'S SIGNATURE <i>Toshihiko Naito</i>		*DATE Nov.21,2001	
RESIDENCE (City, State & Country) Ibaraki, Japan Jpx				CITIZENSHIP Japanese			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) 616-54, Kojirahazama, Tsukuba-shi, Ibaraki, Japan							

Insert Post Office  
Address  
Full Name of Twenty third  
Inventor, If any:  
see above

GIVEN NAME		FAMILY NAME		INVENTOR'S SIGNATURE		*DATE	
RESIDENCE (City, State & Country)				CITIZENSHIP			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)							

Full Name of Twenty fourth  
Inventor, If any:  
see above

GIVEN NAME		FAMILY NAME		INVENTOR'S SIGNATURE		*DATE	
RESIDENCE (City, State & Country)				CITIZENSHIP			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)							

Full Name of Twenty fifth  
Inventor, If any:  
see above

GIVEN NAME		FAMILY NAME		INVENTOR'S SIGNATURE		*DATE	
RESIDENCE (City, State & Country)				CITIZENSHIP			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)							

Full Name of Twenty sixth  
Inventor, If any:  
see above

GIVEN NAME		FAMILY NAME		INVENTOR'S SIGNATURE		*DATE	
RESIDENCE (City, State & Country)				CITIZENSHIP			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)							

Full Name of Twenty seventh  
Inventor, If any:  
see above

GIVEN NAME		FAMILY NAME		INVENTOR'S SIGNATURE		*DATE	
RESIDENCE (City, State & Country)				CITIZENSHIP			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)							

Full Name of Twenty eighth  
Inventor, If any:  
see above

GIVEN NAME		FAMILY NAME		INVENTOR'S SIGNATURE		*DATE	
RESIDENCE (City, State & Country)				CITIZENSHIP			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)							

Full Name of Twenty ninth  
Inventor, If any:  
see above

GIVEN NAME		FAMILY NAME		INVENTOR'S SIGNATURE		*DATE	
RESIDENCE (City, State & Country)				CITIZENSHIP			
POST OFFICE ADDRESS (Complete Street Address including City, State & Country)							

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